



DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: July 16, 2009
ZCPA 2008-0006 University Center-Parcel F
DECISION DEADLINE: January 6, 2010
ELECTION DISTRICT: Broad Run **PROJECT PLANNER:** Michael Elabarger

EXECUTIVE SUMMARY

MRP/TBG Associates, LLC, of Washington, D.C., has submitted an application to amend the concept plan and proffers approved with ZCPA 2006-0005, University Center, in order to increase the maximum allowable building height from sixty (60) feet to eighty-five (85) feet, as permitted by Section 725.5 of the 1972 Zoning Ordinance, with no resulting change in density. The property is being developed pursuant to the proffers associated with ZCPA 2006-0005 (which superseded the proffers associated with ZMAP 1986-0029, ZMAP 1992-0004 and ZCPA 1992-0009, ZMAP 1993-0001, ZCPA 1993-0004, and ZCPA 2000-0009), in the PD-RDP (Planned Development – Research Development Park) zoning district under the 1972 Zoning Ordinance. The property is located within the Route 28 Taxing District and the AI (Airport Impact) Overlay District, outside of but within one (1) mile of the Ldn 60 aircraft noise contour. The property is approximately 19.56 acres in size and is located in the northeast quadrant of the intersection of Loudoun County Parkway (Route 607) and Harry Byrd Highway (Route 7) at 44825, 44830, 44835, 44845, and 44850 Lakeview Overlook Plaza, Ashburn, Virginia in the Broad Run Election District. The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Ashburn Community)), the Revised Countywide Transportation Plan, the Countywide Retail Policy Plan Amendment, and the Dulles North Area Management Plan, which recommend the property as a Keynote Employment Center and recommend non-residential densities between 0.4 and 1.0 Floor Area Ratio (FAR).

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RECOMMENDATION

Staff recommends that the Planning Commission forward the application to the Board of Supervisors with a recommendation of approval, subject to the Proffer Statement dated June 29, 2009 and based on the Findings in the July 16, 2009 staff report.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZCPA 2008-0006, University Center-Parcel F, to the Board of Supervisors with a recommendation of approval, subject to the Proffer Statement dated June 29, 2009 and the Findings contained in the July 16, 2009 staff report.

Or,

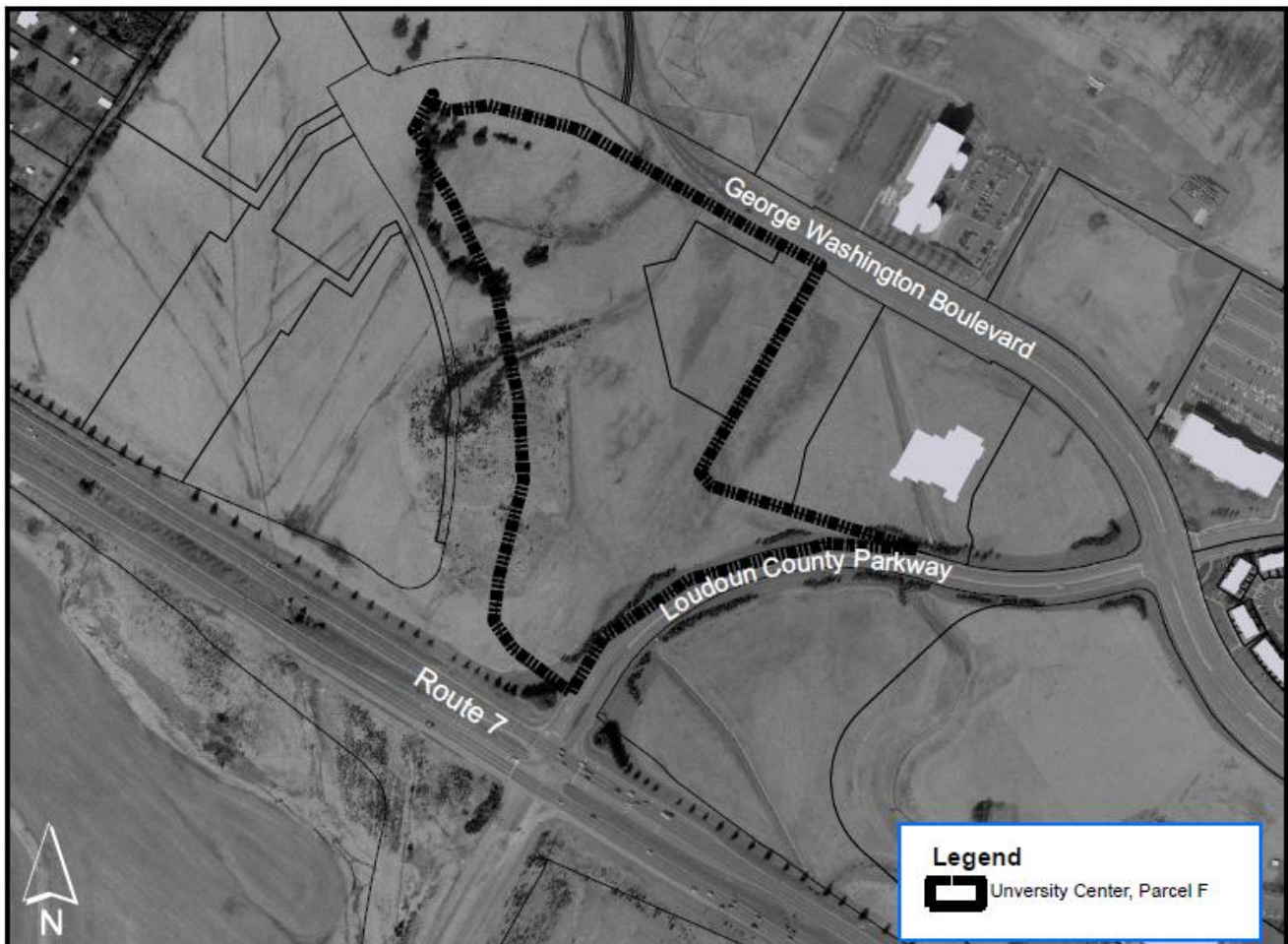
2. I move that the Planning Commission forward ZCPA 2008-0006, University Center-Parcel F, to a work session for further discussion.

Or,

3. I move that the Planning Commission forward ZCPA 2008-0006, University Center-Parcel F, to the Board of Supervisors with a recommendation of denial, based on the following Findings:

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I. APPLICATION INFORMATION

APPLICANT: MRP / TBG Associates LLC
Robert J. Murphy
1133 21st Street NW
Washington, DC 20036
202-719-9000

PROPERTY OWNER: Same as above

REPRESENTATIVE: Cooley Godward Kronish, LLP
Colleen Gillis Snow, Attorney and Shane M. Murphy
11951 Freedom Drive
Reston, Virginia 20190
703-456-8100

PROPOSAL: A Zoning Concept Plan Amendment to ZCPA 2006-0005 to increase the proffered building height from 60 feet to 85 feet.

The application was accepted for review on January 6, 2009.

LOCATION: Between the Potomac River and Route 7, east of Potomac Farms subdivision, west side of the Broad Run.

TAX MAP/PARCEL: Tax Map # /63/E20/////A/ PIN # 039-35-6244-000
Tax Map # /63/E20/////B/ PIN # 039-35-4802-000

ZONING: PD-RDP (governed by the 1972 Zoning Ordinance)

RESIDENTIAL UNITS: N/A

NON-RES. FLOOR AREA: No additional

SURROUNDING:	<u>ZONING</u>	<u>EXISTING LAND USE</u>	<u>PLANNED LAND USE</u>
NORTH	PD-RDP	Office/Institutional	Keynote
SOUTH	PD-IP	Future Mixed Use	Keynote
EAST	PD-RDP	Office/Institutional	Keynote
WEST	PD-RDP	Office/Retail Mix	Keynote

ELECTION DISTRICT: Broad Run

II. SUMMARY OF DISCUSSION	
Topic/Issue Area	Issues Examined and Status
Comprehensive Plan	<ul style="list-style-type: none"> Acknowledge the wetlands on the property. Status: RESOLVED, Documentation of VWP General Permit No. WP4 (wetlands permit) submitted and in application file.
Transportation	<ul style="list-style-type: none"> Provide the estimated trip generation of the approved uses. Status: RESOLVED, application is not changing density, and trip generation unchanged from previously approved.
Zoning	<ul style="list-style-type: none"> Revise Statement of Justification (SOJ) regarding Design & Development Guidelines for University Center in relation to height. Status: RESOLVED, see page 2 of Applicant's SOJ. Revise Plat to consistently show area of ZCPA. Status: RESOLVED, see Plat Sheets 2 - 7. Only revise, and proffer to, Sheet 9, as it deals with building height. Status: RESOLVED, only Sheet 7 (formerly 9) is being amended and proffered to with this application. Clarify limits of Parcel F on ZCPA Plat. Status: RESOLVED, On Sheet 7 (formerly 9), Parcel F is more clearly defined.
PROFFER STATEMENT (revised June 29, 2009)	<ul style="list-style-type: none"> Revise so proffers from ZCPA 2006-0005 supersede all other previous proffer statements. Status: RESOLVED, proffer statement revised per staff recommendation. Revise several inconsistencies with Plat set. Status: RESOLVED, proffer statement revised per staff recommendation. Remove several language inconsistencies. Status: RESOLVED, proffer statement revised per staff recommendation.

Policy or Ordinance Sections Subject to Application
<u>Revised General Plan</u>
Chapter 1 / Relationship to Other County Planning Documents / 2 nd Paragraph
Chapter 5 / River and Stream Corridor Resources.
Chapter 6 / Suburban Policy Area / (B.) Business / (3.) Keynote Employment Centers.
Chapter 7 / Planned Land Use Map
Chapter 11 / Light Industrial and Regional Office Design Guidelines.
Countywide Retail Plan Amendment (Retail Plan)
Countywide Transportation Plan (CTP)
Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan)
<u>1972 Zoning Ordinance</u>
Section 725 – Planned Development – Research and Development Park (PD-RDP)
Section 725.5(d) – Development Standards and Guidelines / Maximum Building Height Limitation

III. FINDINGS FOR APPROVAL

1. The application is consistent with the Revised General Plan by enabling the applicant to develop higher-quality commercial buildings and better fulfill the potential of the site as a Keynote Employment Center.
2. The increase from 60' to 85' for maximum building height conforms to the 1972 Zoning Ordinance height regulations for the site.
3. There is no increase in density or traffic impact as a result of this application from that which is already approved.

IV. PROJECT REVIEW

A. Development History

The University Center development has a lengthy legislative zoning and development history, as briefly outlined below:

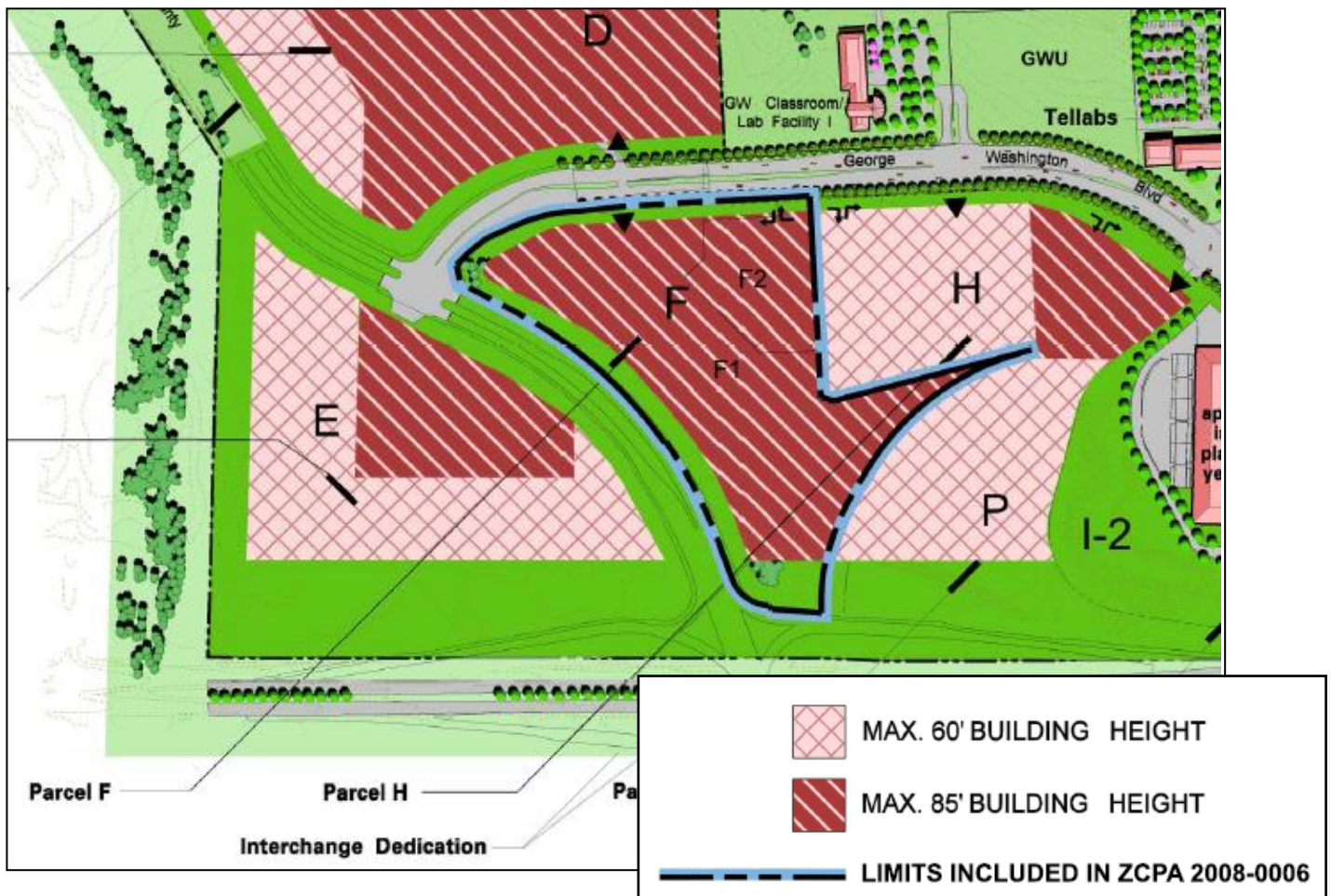
- *ZMAP 1986-0029 – Approved November 7, 1988, to rezone 575.80 acres from A-3 zoning to the PD-RDP and PD-H30 zoning districts to develop up to 8,307,067 square feet of PD-RDP non-residential uses and up to 850 PD-H30 multi-family residential dwelling units by the Washington Engineering Associates Limited Partnership (“WEA”).*
- *ZMAP 1992-0004 and ZCPA 1992-0009 – Approved January 6, 1993 as a complete revision to ZMAP 1986-0029, to develop an additional 1,562 dwelling units within an expanded PD-H30 zoned area, to yield a total of 2,388 residential units, and a reduction in PD-RDP floor area square footage from 8,307,067 to 7,125,504 square feet, by WEA.*
- *ZMAP 1993-0001 – Approved August 4, 1993 to increase the size of the PD-H30 zoned area to permit townhouse units to be built in addition to multi-family units, by WEA.*
- *ZCPA 1993-0004 – Approved May 4, 1994, to downsize the on-site alignment of Riverside Parkway from a four-lane divided roadway within a 120-foot right-of-way to a four-lane undivided roadway within a 70-foot right-of-way, by WEA.*
- *ZMOD 1994-0001 – Approved October 19, 1994, to reduce the minimum lot width for townhouse units to 16 feet, by WEA.*
- *December of 1998 - WEA turned over title to the undeveloped PD-RDP parcels to Collin Equities, Inc., a wholly-owned subsidiary of Wells Fargo Bank. WEA retained title to the undeveloped PD-H30 portions of University Center to complete the residential build-out.*
- *ZCPA 2000-0009 – Approved December 2, 2002, to further amend the concept plan and proffers by reducing the office floor area square footage for the property from 7,125,504 square feet to 2,065,273, with the exception of the George Washington University development, which is excluded from the proffers.*

- ZCPA 2006-0005 – Approved May 20, 2008, to amend the concept plan and proffers approved with ZCPA 2000-0009 in order to increase the amount of floor area, while maintaining the same maximum floor area ratio (FAR), for Parcels E, F, and P, due to less right-of-way being needed for the grade-separated interchange anticipated under ZCPA 2000-0009. The increased developable area resulted in an additional 140,746 square feet being proposed for development which would result in a maximum of 2,206,019 total square feet proposed with no resulting change in density.

B. Context

The application is requesting a Zoning Concept Plan Amendment to revise the proffered maximum building height (see Sheet 7 of the attached plat, and Graphic (1.) below) for Parcel F from the approved 60 feet to 85 feet. The current zoning of the property - PD-RDP (Planned Development-Research and Development Park) under the 1972 Zoning Ordinance – allows building heights up to 85' per Section 725.5(d). Such a maximum building height would be consistent with that approved along Route 7 in the vicinity, as well as the Ordinance standard, and would work to fulfill the Keynote Employment policies in place for the property.

Graphic (1.): ***Excerpt from Sheet 7 of the ZCPA Plat Set, revised May 1, 2009.***



Parcel F consists of approximately 19.56 acres, and is located on the northeast corner of Route 7 and Loudoun County Parkway, adjacent to the interchange currently under construction. Within University Center, this parcel is bordered on the east by Parcels H and P (zoned PD-RDP and planned Keynote); on the west by the Lakeview development across the soon-to-be north extension of Loudoun County Parkway; on the north by Parcel D ((zoned PD-RDP and planned Keynote) across George Washington Boulevard; and on the south across Route 7 by the One Loudoun property (zoned PD-OP and PD-TC and planned Keynote) and the Commonwealth Center property (zoned PD-IP and planned Keynote). The subject site is currently graded, with a portion being used as a staging area for the intersection construction, and is provided access from George Washington Boulevard. Below is a photograph of the existing area.

Graphic (2.): Looking west across Parcel F, toward the Lakeview development.



Parcel F has an active site plan (STPL 2007-0059) for an 117,754 s.f. commercial retail site. A Preliminary Record Subdivision Plat (SBPR 2008-0003) was approved and recorded in October of 2008, and effectively split Parcel F into two separate parcels (“A” and “B”, see Tax

Map numbers). The smaller portion, “A”, is approximately three acres, and is planned to be developed with a 90,000 sf hotel, while the bigger portion, “B”, is approximately 16.6 acres, and will consist of an 11,655 sf daycare facility, and 16,090 sf of retail space. Another Preliminary Record Subdivision Plat (SBPR 2009-0001) is currently under review, which subdivides parcel “B” into five (5) separate parcels.

This application, per the Proffer Statement dated December 4, 2008 revised through June 29, 2009, commits to Sheet 7 of the attached Plat set (dated September 2008 revised through June 10, 2009), entitled Maximum Building Height Plan. All other aspects of development for Parcel F would be subject to the proffer statement and concept development plan for ZCPA 2006-0005, with maximum development limited to 0.33 FAR. The whole of University Center has approvals for a maximum of 2,206,019 square feet of non-residential uses.

C. Summary of Outstanding Issues

There are no outstanding issues with the application. The proffer statement was reviewed by the County Attorney, and all recommended changes were made by the applicant. A final review of the proffer statement, to determine if it is to legal form, will take place prior to action by the Board of Supervisors.

D. Analysis

LAND USE

The site is governed under the policies of the Revised General Plan (Plan) and the Revised Countywide Transportation Plan (CTP). The policies of the Countywide Retail Plan Amendment (Retail Plan) also apply. The site is located in the Ashburn community of the Suburban Policy Area and is planned for Keynote Employment uses. Keynote Employment Centers are intended to be “100-percent premier office or research-and-development centers supported by ancillary retail and personal services for employees”, and are described in the Plan as areas that “have high visibility along major corridors, their structures accented with heavily landscaped greens and tree-lined boulevards, and reflect the County’s growing prominence as a global crossroads for business”. They normally will maintain larger front and side yards to permit extensive landscaping and design features to accentuate the larger-scale buildings, and the buildings should remain the prominent feature. The overall appearance and design concept of the development should relate to the dominant corporate image of the surrounding Keynote Employment and Business Centers in the area. The increase in maximum allowed height (from 60’ to 85’) would allow the applicant to develop the site more consistently with the approved density on the property, as well as provide prominent large-scale buildings as envisioned in the Keynote Employment policies.

ZONING

The subject property is zoned PD-RDP (Planned Development – Research and Development Park) per Section 725 of the 1972 Zoning Ordinance. Section 725.5(d) states that the maximum building height limitation is 85 feet, which is what the application is requesting to

increase to. All comments and issues raised by Zoning Administration during review of the application were resolved.

Graphic 2: George Washington University building at University Center – example of envisioned Keynote Employment building.



TRANSPORTATION

The site is located in the northeast quadrant of the Route 7/Loudoun County Parkway intersection in the University Center development. See the attached referrals from the Office of Transportation Services (OTS) for full detail of the road facilities in the area. A single-point urban diamond interchange is currently under construction at this intersection, with completion anticipated by the end of 2010. There is no proposed increase in density or permitted square footage with this application, and therefore, there is no anticipated increase in vehicular trips associated with the request. Access to Parcel F will primarily be from George Washington Parkway (on the north boundary of the parcel), with a secondary access from Presidential Drive (which will become a cul-de-sac once the Loudoun County Parkway interchange is completed. All comments from OTS were adequately addressed by the applicant.

FIRE AND RESCUE

The Department of Fire, Rescue, and Emergency Management provided the following information regarding estimated response times:

Ashburn VFRC -- Station Response Times	
Ashburn Station 6	8 minutes, 30 seconds
Lansdowne Station 22	7 minutes, 17 seconds

The site has fire hydrants on-site as required by the Facilities Standards Manual. The Department offered no objection to approval of the application.

PROFFER STATEMENT

A Proffer Statement dated December 4, 2008, with revision dates of March 20, 2009, June 4, 2009, and June 29, 2009, commits to Sheet 7 of the Plat set, which identifies the area subject to the maximum building heights of 60 and 85 feet. It has been reviewed and commented on by the Office of the County Attorney, and all suggested changes have been made by the applicant.

E. ZONING ORDINANCE CRITERIA FOR ZCPA APPROVAL

Section 1208 of the 1972 Zoning Ordinance provides the following standards that the Planning Commission must consider when developing findings in support of a recommendation to the Board of Supervisors. Staff includes the following analysis for each criterion:

Standard *the existing use and character of the property,*

Analysis The request to increase the maximum building height to 85', which is the maximum allowed for the PD-RDP district per the Ordinance, will aid in the fulfillment of the maximum potential of the site as a Keynote Employment center as envisioned by the Revised General Plan for the Route 7 corridor.

Standard *the suitability of the property for various uses,*

Analysis The application does not seek any modifications to standards for the PD-RDP zoning district, but rather revise the Concept Development Plan to allow the ability to develop the entire Parcel F to the maximum building height of 85' that is permitted by the 1972 Zoning Ordinance.

Standard *the trends of growth or change,*

Analysis The Property is already approved for PD-RDP zoning district uses, as governed by previous proffer statements, and seeks to maximize the building heights, while staying within the allowable limit of the zoning ordinance.

Standard *the current and future requirements of the county as to land for various purposes as determined by population and economic studies and other studies,*

Analysis The application will fulfill the approved Preliminary Record Subdivision Plat (SBPR 2008-0003) and Site Plan (STPL 2007-0059), and active SBPR 2009-0001, on the property and the vision of the Concept Development Plan that has been previously developed and approved by the County.

Standard *the transportation requirements of the community, and the county, and the requirements for schools, parks, playgrounds, recreation areas, and other public services;*

Analysis All necessary public infrastructure is in place to serve the approved density of uses, which will be maximized with approval of the application to allow the site to develop buildings up to the Ordinance maximum height of 85’.

Standard *for the conservation of natural resources; and preservation of flood plains*

Analysis The Property is already approved for PD-RDP zoning district uses, as governed by previous proffer statements, and no additional impacts on natural resources or floodplains will occur as a result of this application.

Standard *and for the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the county.*

Analysis The application does not seek to change the already approved uses on the Property, but rather to raise the maximum building height to that allowed by the zoning ordinance. Such height increase will allow the Property to more greatly maximize property values as a Keynote Employment center.

V. ATTACHMENTS		PAGE #
1. Review Agency Comments		
a. Building & Development, Zoning Administration	(04/24/09, 02/20/09)	A-01
b. Planning Department, Community Planning	(04/16/09, 02/23/09)	A-05
c. Office of Transportation Services (OTS)	(04/20/09, 02/124/09)	A-09
d. Virginia Department of Transportation (VDOT)	(02/20/09)	A-14
e. Fire, Rescue & Emergency Services	(03/04/09)	A-15
2. Statement of Justification	(dated 10/08/08 revised through 06/04/09)	A-17
3. Applicant's Response to Referral Comments	(06/04/09, 03/20/09)	A-21
4. Disclosure of Real Parties in Interest	(signed 06/16/09)	A-29
5. Reaffirmation of Disclosure of Real Parties in Interest	(signed 06/16/09)	A-52
6. Draft Proffer Statement	(dated 12/04/08 revised through 06/29/09)	A-53
ZCPA Plat set	(Dated September, 2008, revised through 06/10/09)	Attached